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Bacon & Thomas 4th Floor 625 Slaters Lane Alexandria, VA 22314-1176				
EXAMINER				
SONG, DAHIO'D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/523,785

Applicant(s)

SEGER ET AL.

Examiner

DAEHO D. SONG

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12 and 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12, and 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Applicant's Response

In Applicant's Response dated 12/13/2010, Applicant amended Claim 10, added Claims 19-25, and argued against all rejections previously set forth in the Office Action dated 09/13/2010.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 10, 12, and 14-25 are rejected under 35 U.S.C. 102(e) as being **clearly** anticipated by Forney et al. (hereinafter Forney): U.S. Patent Application Pub. No. 2002/0067370.

Forney **expressly** teaches:

Claim 10. A method for providing a field-device-operating graphical user interface (GUI) by means of a device description file for the field device, comprising the steps of:

connecting the field device to a control system or engineering system that controls a total course of a process or enables direct access for operating, parametering or configuring the field device by way of a field bus (fig. 1; [0013][0042]: connecting the field device, such as a food processing plant floor, to a portal server as a control system that deliver manufacturing/process control information associated with the field device by a process control network);

loading a data component and a presentation component of the device description file together dynamically at run time by means of an appropriate browser, wherein the device description file describes the functionality of the field device, the data component of the device description file is in the form of an XML file, and the presentation component of the device description file is in the form of an XSL file (figs. 2, 4 & 13; [0037][0044][0050]-[0052][0349]: loading a data component of the device description file in XML, and the presentation component in XSL transformation, which is well known in the art as specifying the visual formatting of an XML file by means of converting a raw XML data source formatted in one manner into an output format that can be displayed on a graphical user interface so that XML encoded data can be displayed within an HTML compatible interface); and

dynamically producing an HTML page, which provides a graphical user interface for the field device, from the XML file and the XSL file at run time by means of the browser, wherein the HTML page is displayed by the browser and is dynamically changed in accordance with a change in the XML file or the XSL file so that the graphical user interface is matched to the field device, thereby accomplishing the operation of the field device from the control system or engineering system by way of the graphical user interface GUI (figs. 4, 5, 14 & 15; [0050]-[0058][0350]: providing GUI displays by means of a browser that are dynamically changed in accordance with changes in the XML or the XSL file so that the operation of the field device is accomplished through GUI).

Claim 12. The method as claimed in claim 10, wherein: the run time environment is a Microsoft platform ([0037]).

Claim 14. The method as claimed in claim 10, wherein: the presentation component contains information for visualizing and explaining the process component of concern (figs. 14 & 15).

Claim 15. The method as claimed in claim 10, further comprising the step of: providing dynamic, relevant links on the GUI for invoking an online/offline help ([0009]).

Claim 16. The method as claimed in claim 10, wherein: the operation includes start-up,

maintenance, simulation, data protection, problem removal and device documentation
([0008][0037]).

Claim 17. The method as claimed in claim 10, further comprising the step of: using the Internet Explorer of Microsoft® as the browser ([0008][0037][0042]).

Claim 18. The method as claimed in claim 10, further comprising using the Netscape Navigator of Netscape as the browser ([0008][0037][0042]: utilizing another well known general browser software, such as Netscape).

Claims 19-25:

The subject matter recited in Claims 19-25 corresponds to the subject matter recited in Claims 10, 12, and 14-18, respectively. Thus Forney discloses every limitation of Claims 19-25, as indicated in the above rejections for Claims 10, 12, and 14-18.

Response to Arguments

2. Applicant's arguments against the rejections based on 35 U.S.C. 102 with respect to Claims 10-25 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 9:30-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boris Pesin can be reached on (571)272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/
Examiner, Art Unit 2172

/Boris Pesin/
Supervisory Patent Examiner, Art Unit 2172